

1 tell is he found that out in, in, in dealing with two radio
2 stations.

3 JUDGE MILLER: Proceed, Mr. Yelverton.

4 BY MR. YELVERTON:

5 Q Is it not a fact, Ms. Davis, that prior to December
6 1991 that you had no interest in owning a broadcast station,
7 that you first thought about owning a station December '91?

8 A Yes.

9 Q Do you have a brother-in-law by the name of Ben
10 Davis?

11 A Yes, I do.

12 Q And is it not a fact that he was an applicant for an
13 FCC FM station in Huron, Ohio?

14 A Yes. I'm not sure about all the particulars.

15 JUDGE MILLER: Well, but what he's asking you're
16 able to answer yes to?

17 WITNESS: Yes. Yes.

18 BY MR. YELVERTON:

19 Q And is it not a fact that you asked Ben Davis how to
20 go about filing an FCC application?

21 A Yes, I asked him about it when I told him that I was
22 thinking about it. And he --

23 Q And it's true that he gave you the name of Mr.
24 Alpert?

25 A Yes.

1 Q And it's a fact that Mr. Alpert was Ben Davis's FCC
2 attorney?

3 A I know that he has represented Ben, but I don't know
4 on what.

5 Q But you do know that, that Mr. Alpert was Ben
6 Davis's FCC attorney in some, some FCC-type --

7 A On something, yes, I did.

8 Q And it's -- is it a fact that when you first
9 contacted Mr. Alpert it was in mid-December 1991?

10 A It was about -- Yeah, about December 10th, 11th,
11 somewhere around there.

12 Q And you filed your application about two weeks
13 later?

14 A I filed it at the end of December.

15 Q And it was Mr. Alpert that referred you to an
16 engineer. Is that correct?

17 A Yes, sir.

18 Q And, also, it was Mr. Alpert who provided you a
19 format for a form letter to take to a bank with respect to
20 your application?

21 A Yes, sir.

22 Q And, also, it's a fact that Mr. Alpert helped you
23 prepare many of the items in the cost estimates?

24 A No, sir. I --

25 JUDGE MILLER: Mr. Alpert didn't?

1 WITNESS: No, 'cause I prepared and then I reviewed
2 them with him. I asked him his advice, but I did the work-up
3 on them. Is that what you're referring to, Mr. Yelverton?

4 BY MR. YELVERTON:

5 Q Well, I'm just asking you a lot of the numbers that
6 would relate to operation of the station, did you obtain those
7 from Mr. Alpert?

8 A The equipment side of it, the technical side. The
9 sales side I did. The equipment side, I got that from Cavell,
10 Danny Cavell.

11 Q And Mr. Cavell?

12 A Is the engineer.

13 Q Yeah, was an engineer.

14 A Yes, sir.

15 Q You listened to the engineer that Mr. Alpert
16 referred you to?

17 A Yes, sir.

18 Q And it's a fact that Mr. Alpert and the engineer
19 told you about the availability of the station WBBY power
20 site?

21 A Yes.

22 Q And is it not a fact that your husband told you to
23 do what Mr. Alpert says?

24 A It is a fact that I should listen to my lawyer, yes.

25 JUDGE MILLER: How did that come about? Your

1 husband and you got into this conversation and your husband
2 says listen to your lawyer? How did it -- Tell me about it.

3 WITNESS: Well, basically, you know, I asked -- I
4 had asked my husband, you know, you know, you know, how did
5 you do this? And he says well, you know, you talk to your
6 lawyer about it. And so -- And then I asked Dan a question
7 and he gave me some books on radio. And so, basically, what
8 Reggie and Darren was saying is deal with Dan and the
9 engineer. And I worked it from there. 'Cause, for one, they
10 didn't want to be involved in it.

11 JUDGE MILLER: Did they say so?

12 WITNESS: Yeah, they said I don't want to be
13 involved in it. And I went on it on my own and I just tried
14 to utilize my resources, Dan, Jerry, books, my past experience
15 in a business and in sales.

16 JUDGE MILLER: Proceed.

17 MR. YELVERTON: Thank you, Your Honor.

18 BY MR. YELVERTON:

19 Q Is it not a fact that you've never done a market
20 analysis as to a possible format for the station you propose?

21 A That's right.

22 Q And it's a fact that you've done no research as to
23 the profitability of the proposed station?

24 A That's right.

25 Q And, also, it's a fact that you never made any

1 inquiry to -- Let me lay a foundation question. You're
2 proposing to lease the facilities of what's known as station
3 WBBY?

4 A Yes, sir.

5 Q And it's a fact that you never made an inquiry to
6 anybody associated with WBBY as to its operating costs or
7 revenues at the time it was operating?

8 MR. ALPERT: Objection, Your Honor. -- line of
9 questioning insofar -- I see no relevance to any testimony
10 that's been -- Mr. Yelverton has at anytime pointed to toward
11 -- with respect to cross examination, or any relevance of this
12 cross examination --

13 MR. YELVERTON: Your Honor, I'm asking her what she
14 did in --

15 JUDGE MILLER: Overruled. Overruled. Go ahead.

16 MR. YELVERTON: Thank you, Your Honor.

17 BY MR. YELVERTON:

18 Q The question pending, Ms. Davis, was is it not a
19 fact that you never made an inquiry to anybody associated with
20 station WBBY as to its operating costs or revenues at the time
21 it was operating?

22 A The fact is that I called WBBY to ask who to get in
23 contact with to talk about the radio station and what is
24 available. I did not ask how much the radio station cost to
25 run that I can recall, but I did talk to people pertaining to

1 the radio station.

2 Q And is it a fact --

3 JUDGE MILLER: What do you mean by the words you
4 asked them what is available? What, what, what are you saying
5 to me?

6 WITNESS: Well, with the studio and all the
7 equipment --

8 JUDGE MILLER: Trying to find out what, what it was
9 you would be -- that you would be getting from them?

10 WITNESS: Able to utilize, like in the radio station
11 --

12 JUDGE MILLER: I understand.

13 WITNESS: Okay.

14 BY MR. YELVERTON:

15 Q Ms. Davis, it's a fact that since December 1991
16 you've done very little to, to learn about broadcasting?

17 MR. ALPERT: Objection again, Your Honor, concerning
18 relevance.

19 MR. YELVERTON: Your Honor --

20 JUDGE MILLER: Overruled.

21 WITNESS: No, that's not a fact, Mr. Yelverton.

22 BY MR. YELVERTON:

23 Q Well, what have you done since December 1991 to
24 learn about broadcasting?

25 A Well, I've read some additional literature. I have

1 toured the facility. I have talked to Mr. Fry on several
2 occasions. I've talked to Mr. Nourse on several occasions. I
3 have more attentive to the, the radio and broadcasting. I
4 have gotten information from the Ohio State Broadcasting
5 School. I have gotten information on the different radio
6 stations and the number of radio stations with, within the
7 Columbus market, basically what their ratings are, trying to
8 get an idea of what their different formats are.

9 I have been more attentive to the advertising
10 solicitation that I get as far as gathering materials. So
11 those are the different things that I've done.

12 Q Ms. Davis, I'd like to turn your attention to your
13 deposition. Now, do you have that before you?

14 A No, sir.

15 MR. YELVERTON: Your Honor, can I approach the
16 witness, assuming that Mr. Alpert doesn't --

17 JUDGE MILLER: You've got it. You approach the
18 witness.

19 MR. YELVERTON: Your Honor, I'm placing in front of
20 the witness a copy of the deposition on Wednesday, July 14,
21 1993.

22 BY MR. YELVERTON:

23 Q Were you deposed on that date, Ms. Davis?

24 A Yes.

25 Q Have you had a --

1 JUDGE MILLER: Take a look at it. Is this the
2 deposition that you and Mr. Yelverton have been referring to?

3 WITNESS: Yes, sir.

4 JUDGE MILLER: And have you had a chance to read
5 that deposition?

6 WITNESS: Yes, sir.

7 JUDGE MILLER: Have you signed it?

8 WITNESS: Yes, sir, I sure have.

9 JUDGE MILLER: And did you -- were you offered the
10 chance to make any corrections?

11 WITNESS: Yes, sir.

12 JUDGE MILLER: And did you make any corrections?

13 WITNESS: Yes, sir.

14 JUDGE MILLER: And proceed.

15 MR. YELVERTON: Yes.

16 BY MR. YELVERTON:

17 Q Ms. Davis, I'd like to turn your attention to page
18 111 and question -- lines 21 and 22. And I'd like to state
19 for the record that predicate question talks about a time
20 period December 1991. Were you asked the question, "Since
21 that time," referring to December 1991, "what steps have you
22 taken to familiarize yourself with broadcasting, other than
23 what you've testified to beforehand about, you know, all the
24 things you've done, the application and talking to Mr. Cavell
25 and Mr. Alpert? Anything else you've done?" Were you asked

1 that question?

2 A Yes, sir.

3 Q And lines 5 -- Starting on line 5 through 15, did
4 you give the answer, "Well, reading, reading a book, reading
5 that little book I told you about, that little book, little,
6 little blue book, 'National Association of Broadcaster.' Also
7 had another document that I read. It was something about the
8 FCC for minority business enterprise something. I don't know,
9 1988 or '87 or something like that. I'm not really sure. And
10 just, you know, I've got more intent to listening to the
11 radio, you know, and that's about it. And then just
12 evaluating what my different, you know, desires were, what I
13 wanted to accomplish and so forth." Was that the answer you
14 gave?

15 A Yes, sir.

16 Q And --

17 MR. ALPERT: Objection, Your Honor.

18 BY MR. KRAVETZ:

19 Q And, also, I'd like to --

20 JUDGE MILLER: Wait a minute. What are you breaking
21 in for?

22 MR. ALPERT: I was objecting, Your Honor.

23 JUDGE MILLER: You were talking. Now, do you have
24 an objection?

25 MR. ALPERT: Yes, sir. I said --

1 JUDGE MILLER: What is your objection?

2 MR. ALPERT: I would like Mr. Yelverton to also take
3 the errata before the witness.

4 JUDGE MILLER: Wait a minute. Wait a minute.

5 MR. ALPERT: Okay.

6 JUDGE MILLER: That's not an objection. You're
7 trying to tell him how to try his case. Now, do you object
8 because there is a -- that it is not accurate, that there have
9 been some changes made in what Mr. Yelverton is quoting?

10 MR. ALPERT: He has not read the correct and
11 complete answer, that's correct.

12 JUDGE MILLER: All right. Mr. Yelverton, you have
13 an obligation to read, read the complete to this woman.

14 MR. YELVERTON: Your Honor, I mean, this is what's
15 on page 112.

16 JUDGE MILLER: I don't care. He said there's an
17 errata and I'm going to accept his representation that there's
18 an errata.

19 MR. YELVERTON: Okay. Your Honor, I'm not aware of
20 an errata. If, if such is, you know, I apologize. I do see
21 one at the back of the page and, and it says line -- Let's
22 see, page 121, which I believe is the page in --

23 MR. ALPERT: Your Honor, may I be of assistance?

24 JUDGE MILLER: Go ahead.

25 MR. ALPERT: Okay. The second page of the errata,

1 there's a reference to page 112, line 15, which is exactly
2 where we're at right now.

3 JUDGE MILLER: All right.

4 MR. ALPERT: Second page of the errata.

5 MR. YELVERTON: Okay. Okay, it says "The answer
6 should be supplemented to reflect the following information
7 which was not remembered at the deposition and which
8 inadvertently was omitted. On early July I took an extensive
9 tour of station WROU -- "

10 JUDGE MILLER: I'm not so sure that that's a proper
11 correction.

12 MR. ALPERT: Well, it is under the rules, Your
13 Honor.

14 JUDGE MILLER: I'm not so sure that's a proper
15 correction. A correction is not supplementing something you
16 forgot to put in. What was said was said.

17 MR. ALPERT: I understand that, Your Honor, but
18 there's also a reference in the rules whereby if you need to
19 correct an answer -- or not correct the verbiage of it, but
20 correct or supplement an answer, you can correct it as long as
21 you can explain why you --

22 JUDGE MILLER: All right. But I'll tell you what
23 we're going to do here. We're going to, we're going to put it
24 in as it was originally, as she testified originally.

25 MR. ALPERT: That's fine.

1 JUDGE MILLER: And then we'll -- Then if you want to
2 say that later she, she decided she wanted to add something,
3 then we'll put, we'll quote that into the record, too, so
4 that, so that -- all over the place.

5 MR. ALPERT: Absolutely, Your Honor.

6 JUDGE MILLER: Proceed, Mr. Yelverton. Go back,
7 take her through lines 5 through 15, page 111 and 112, where
8 you were.

9 MR. YELVERTON: Okay. Your Honor, I think we were
10 through reading into the record pages 111 and 112 as
11 originally given. And, in fairness to the witness, I'll have
12 to say the question was -- she answered was matters other than
13 you testified to beforehand. So presumably, there were some
14 other things she's testified to and if, if the witness recalls
15 what she testified to prior, earlier in the deposition --

16 MR. KRAVETZ: Your Honor, for clarification, right
17 after it says "what you've testified to beforehand about all
18 the things you've done with the application -- "

19 JUDGE MILLER: Look, look, look, look, look.
20 Starting at, at page what, 21 on, on, on line 111?

21 MR. YELVERTON: Yes.

22 JUDGE MILLER: Would you read that question into the
23 record, please?

24 WITNESS: "Since that time, what steps have you
25 taken to, to familiarize yourself with broadcasting, other

1 | than what you've testified to beforehand about, you know, all
2 | the things you've done with the application and talking to Mr.
3 | Cavell and Mr. Alpert?"

4 | JUDGE MILLER: Right. Anything else you have done
5 | is also on line 4, right?

6 | WITNESS: Yes, sir.

7 | JUDGE MILLER: Now, read your answer.

8 | WITNESS: "Well, reading, reading the book, reading
9 | that little book I told you about, that little blue book.
10 | National Association of Broadcaster also had another document
11 | that I read. It was something by the FCC for minority
12 | business enterprise something, I don't know, 1988 or '87, or
13 | something like that. I'm not really sure and just, you know,
14 | I got more intent at listening to the radio, you know, and
15 | that's about it. Then just evaluating what my different, you
16 | know, desires were, what I wanted to accomplish and so forth."

17 | JUDGE MILLER: All right. Is that the question you
18 | were asked and is that the answer you gave?

19 | WITNESS: That's the answer I gave right there, sir,
20 | yes.

21 | JUDGE MILLER: That's the answer you gave under oath
22 | right there?

23 | WITNESS: Yes, sir.

24 | JUDGE MILLER: Now, later you were given an
25 | opportunity, an opportunity to make corrections. But you

1 | didn't make a correction, you made an addition. Is that
2 | correct?

3 | WITNESS: Yes.

4 | JUDGE MILLER: Supplement, I mean.

5 | WITNESS: Okay.

6 | JUDGE MILLER: Would you read what you supplemented
7 | in there?

8 | WITNESS: The answer should read --

9 | JUDGE MILLER: This is page 112, line 15, right?

10 | WITNESS: Okay, yes. "The answer should be
11 | supplemented to, to reflect the following information which
12 | was not remembered at deposition and which inadvertently was
13 | omitted. On early July I took an -- "

14 | JUDGE MILLER: No, quote, quote.

15 | WITNESS: Oh, "Quote on early July I took an
16 | extensive tour of station WROU, and at that time met with the
17 | general manager and sales manager at the station, which gave
18 | me a further opportunity to, to familiarize myself with the
19 | broadcast business. I also have toured the WBBY facilities
20 | and have met and spoken with Susan Schiemer who was a former
21 | employee at WBBY. She also provided me with the information
22 | concerning the broadcast business."

23 | JUDGE MILLER: All right. Now, is there anything
24 | more you need, Mr. Yelverton?

25 | MR. YELVERTON: Not now.

1 JUDGE MILLER: Is there anything more you need,
2 Mr. Alpert?

3 MR. ALPERT: No, sir, Your Honor.

4 JUDGE MILLER: Proceed.

5 MR. YELVERTON: Thank you, Your Honor.

6 (Off the record.)

7 JUDGE MILLER: Proceed.

8 MR. YELVERTON: Okay, thank you, Your Honor.

9 BY MR. YELVERTON:

10 Q Ms. Davis, is it not a fact that in your cost
11 estimates that you prepared in December of 1991 that there was
12 no specific itemization for programming costs?

13 MR. ALPERT: Objection, Your Honor.

14 JUDGE MILLER: Sustained. Don't go into finances.

15 MR. YELVERTON: Well --

16 JUDGE MILLER: Don't go into finances.

17 MR. YELVERTON: Okay, thank you, Your Honor.

18 JUDGE MILLER: I've tried to, tried to be fair and
19 even-handed across the board on that, and I admit that some of
20 this stuff overlaps, but that one doesn't.

21 MR. YELVERTON: I had a number of questions that
22 related to that. I'll pick up where that ends.

23 BY MR. YELVERTON:

24 Q Turning to your company, Britt Business Systems, is
25 it not a fact that this company has clients that include

1 Anheuser-Busch?

2 A Yes.

3 JUDGE MILLER: AT&T?

4 BY MR. YELVERTON:

5 Q And includes American Electric Power Company?

6 A Yes.

7 Q It includes the Columbus Public Schools?

8 A Yes.

9 Q Ohio State University?

10 A Yes.

11 Q The State of Ohio?

12 A Yes.

13 Q The Columbus Bar Association?

14 A Yes.

15 Q And the law firm of Baker and Hostetler?

16 A Yes.

17 Q And it's true that you consider Britt Business

18 Systems to be a successful and profitable business?

19 A I consider Britt to be a good business, and it is

20 somewhat successful but I do not say the result is success,

21 Mr. Yelverton.

22 Q Excuse me?

23 A I do not say the result is success. It could be a

24 lot more successful than it is today.

25 Q Is it not a fact that Britt Business Systems has

1 | been named the number one dealer in the Midwest?

2 | A Yes.

3 | Q And is it not a fact that as of the time of the
4 | deposition in July of 1993 you had taken no steps to sell
5 | Britt Business Systems?

6 | A I have not put it on the block to be sold,
7 | Mr. Yelverton.

8 | Q And it's true that as of the time of the deposition,
9 | July 1991, that you had identified no potential purchasers?

10 | A True.

11 | Q And as of the time of the deposition in July 1993 no
12 | appraisal or evaluation of the business had been done?

13 | MR. ALPERT: Objection. Asked and answered I
14 | believe, Your Honor.

15 | MR. YELVERTON: Excuse me.

16 | JUDGE MILLER: Asked and answered.

17 | BY MR. YELVERTON:

18 | Q And did you not testify at the deposition that if
19 | you could not sell Britt Business System at an acceptable
20 | price you would quote cease operating it unquote?

21 | A Yes, I would not operate Britt.

22 | Q Excuse me?

23 | A I would not operate Britt.

24 | Q And I think there's been testimony earlier today
25 | that Britt's been grossing over a million dollars a year since

1 --

2 JUDGE MILLER: One point two and one point four.

3 MR. YELVERTON: Yes.

4 JUDGE MILLER: Mr. Kravetz brought it up.

5 BY MR. YELVERTON:

6 Q What, what's the net -- Let me, let me rephrase the
7 question. What, what's your total salary and dividends and
8 bonuses from Britt Business Systems for 1992?

9 A My salary is \$25,000.

10 Q And how much do you receive in other compensation
11 from Britt Business Systems, dividends, bonuses, whatever?

12 A When I sell a certain number of, let's say -- fax
13 machine, Xerox gives you \$41 per machine. And last year I
14 think I might have gotten about \$1,000. Other bonuses, I
15 don't really get any other bonuses.

16 Q Let me rephrase the question a bit. Maybe you
17 misunderstood. What I'm asking is what, what, what's the
18 total dollar amount that you got paid from Britt Business
19 Systems, you know, regardless of what it's considered, salary,
20 bonuses, dividends, whatever, in 1992? The taxable,
21 reportable income you put on your federal tax form.

22 A My salary from Britt Business Systems was \$25,000.

23 Q And what other --

24 JUDGE MILLER: What was your total compensation from
25 Britt Business Systems?

1 WITNESS: I may be misunderstanding this a bit,
2 because I'm a subchapter S. And so with Britt Business
3 Systems is on my federal taxes, and so what I get as a salary
4 paycheck all the time is, is \$25,000. Then I have other taxes
5 that I pay and then I --

6 JUDGE MILLER: Do you get bonuses?

7 WITNESS: I got a bonus which, which I paid taxes
8 with, but I did not get any -- I think I got \$300 of the
9 bonus.

10 JUDGE MILLER: All right. Now, let me, let me
11 phrase the question to you this way.

12 WITNESS: Okay.

13 JUDGE MILLER: Was it 1992, Mr. Kravetz, was 1.2
14 million?

15 MR. KRAVETZ: In 1991 reported 1.2 million.

16 JUDGE MILLER: Okay. Well, in 1992, 1.4 million?

17 MR. KRAVETZ: Yes, Your Honor.

18 JUDGE MILLER: In 1992, was Britt Business Systems
19 grossing \$1.4 million?

20 WITNESS: Um-hum.

21 MR. ALPERT: Excuse me, Your Honor. She said --

22 JUDGE MILLER: Yes.

23 WITNESS: Yes.

24 JUDGE MILLER: Your -- And you own the business?

25 WITNESS: Yes.

1 JUDGE MILLER: Your compensation, total compensation
2 from Britt was under \$30,000?

3 WITNESS: Yes. My paycheck was --

4 JUDGE MILLER: Well, now, I said -- I didn't talk to
5 you about your paycheck.

6 WITNESS: Okay.

7 JUDGE MILLER: Do you understand the difference
8 between total compensation and a paycheck?

9 WITNESS: Yes.

10 JUDGE MILLER: I want to know whether you got stock
11 or what, what -- anything of value that you received from
12 Britt in 1992.

13 WITNESS: I get my expenses paid for. I get my gas
14 paid for for the car. I get mail paid for.

15 JUDGE MILLER: Do you get any, do you get any stock
16 options?

17 WITNESS: No, I don't.

18 JUDGE MILLER: Let me ask you this question. Are
19 you the highest paid person in Britt Systems?

20 WITNESS: As of today?

21 JUDGE MILLER: As of 1992, for the year 1992.

22 WITNESS: Yes, I am. I have one sales rep that does
23 very well and right now she's making about \$40,000, and I
24 don't know what she was making -- I don't know as of December
25 whether she would have made more. But can I clarify something

1 for you?

2 JUDGE MILLER: Yeah.

3 WITNESS: Okay. Within a business, that 1.4 also
4 includes the Cleveland office. I have a Cleveland office.
5 Columbus, Ohio, is my headquarters of Britt Business Systems.
6 My brother-in-law in Cleveland runs and manages Britt in
7 Cleveland. He is not an officer of the company, he does not
8 have stock. I have 100 percent stock. His sales and
9 Cleveland sales and Columbus sales, they go together. So
10 actually, I think Columbus's sales might have been about a
11 million or a million point, or a million point one. I have a
12 lot of expenses with the company, plus I'm a subchapter S. So
13 all that together, when you look at the profit of the company,
14 the taxes that I pay, also Britt, you know, that's all in
15 there. See, I just make \$25,000, but I do have my expenses
16 paid for.

17 JUDGE MILLER: All right, you have your expenses
18 paid for.

19 WITNESS: Yes.

20 JUDGE MILLER: But is there, is, is there money
21 being paid to the corporation that is profit that, that
22 eventually will accrue to you since you're the 100 percent
23 owner?

24 WITNESS: Yes.

25 JUDGE MILLER: In other words, part of this \$1.4

1 million increases the net asset value of Britt?

2 WITNESS: Fine.

3 JUDGE MILLER: And someday that'll be worth --

4 WITNESS: Right.

5 JUDGE MILLER: Now, let me ask you this.

6 WITNESS: Okay.

7 JUDGE MILLER: Do you own -- Does Britt Business

8 Systems own its own building?

9 WITNESS: No, we rent.

10 JUDGE MILLER: You rent?

11 WITNESS: Yes.

12 JUDGE MILLER: So that there's -- Can you just give

13 me the big assets that Britt Business Systems holds? Owns?

14 WITNESS: Equipment, our inventory.

15 JUDGE MILLER: Equipment and inventory. That's

16 about it, isn't it?

17 WITNESS: Yeah. And accounts receivables.

18 JUDGE MILLER: Accounts receivables.

19 WITNESS: Service contracts.

20 JUDGE MILLER: All right.

21 WITNESS: Britt income at the end of '92 was about

22 \$80,000.

23 JUDGE MILLER: That's after paying Shellee Davis

24 25,000, plus \$1,000 bonus?

25 WITNESS: Yeah, plus pay my expenses.

1 JUDGE MILLER: Now, that \$80,000 that Britt showed
2 profit at the end of the year, that's yours, isn't it?

3 WITNESS: Yeah, yeah, the company --

4 JUDGE MILLER: It's yours. I mean, you own the
5 company.

6 WITNESS: Yes.

7 JUDGE MILLER: It's yours.

8 WITNESS: That's right.

9 JUDGE MILLER: So, so if I wanted to know what, what
10 Shellee Davis did to improve her lot during 1992, I'd have to
11 add 80,000, 25,000, and 1,000, wouldn't I? You're \$106,000
12 richer as, as a result of 1992, aren't you?

13 WITNESS: Okay. All right. Well, I'm sorry.

14 JUDGE MILLER: No, I mean not okay. I mean --

15 WITNESS: I, I thought you meant me as the, as being
16 paid 25,000, but --

17 JUDGE MILLER: Well --

18 WITNESS: But do I get everything that I own? Yes.

19 JUDGE MILLER: Yeah, you own 100 percent of it.

20 WITNESS: Right. Exactly.

21 JUDGE MILLER: There isn't a penny of that that
22 belongs to your brother-in-law up in Cleveland or, or, or
23 your, your husband Reginald or anybody else. That's yours,
24 right?

25 WITNESS: Yes.

1 JUDGE MILLER: Proceed, Mr. Yelverton.

2 MR. YELVERTON: Thank you, Your Honor.

3 BY MR. YELVERTON:

4 Q You've testified earlier today that you had two
5 people at Britt System that you wanted to take with you to the
6 Westerville station, and one was Mr. Johnson who's a, a
7 salesman?

8 A Yes.

9 JUDGE MILLER: Sales rep.

10 MR. YELVERTON: Sales rep.

11 WITNESS: Yes, sir.

12 BY MR. YELVERTON:

13 Q When did you first approach Mr. Johnson about
14 leaving Britt and going to the radio station?

15 MR. ALPERT: Objection. I think that assumes a fact
16 not in evidence.

17 BY MR. YELVERTON:

18 Q Well, let me ask you, have you spoken with Mr.
19 Johnson about leaving Britt and going to the radio station?

20 A Basically, I told him that I had applied for the
21 radio station and he immediately said well, I would love to go
22 with you. And, of course, I would love for Jim to go with me.

23 Q Have you discussed with him what his salary or
24 compensation would be at the radio station?

25 A No, sir.

1 MR. ALPERT: Objection, Your Honor. Relevancy.

2 JUDGE MILLER: Overruled.

3 WITNESS: No.

4 JUDGE MILLER: She's already answered it.

5 BY MR. YELVERTON:

6 Q Now, you testified earlier that -- about --

7 MR. YELVERTON: Your Honor, I'm going to withdraw
8 that question and --

9 JUDGE MILLER: I never heard it.

10 MR. YELVERTON: Well, whatever. Okay, but that's
11 the end of my cross examination.

12 JUDGE MILLER: Mr. Koerner?

13 MR. KOERNER: I think just one question, one or two
14 questions, Your Honor.

15 CROSS EXAMINATION

16 BY MR. KOERNER:

17 Q Ms. Davis, are you generally familiar with the
18 manner in which organizations such as Britt Business Systems
19 are valued?

20 A Could you clarify that for me, Mr. Koerner?

21 Q Yes. Would the value of Britt Business Systems lie
22 primarily in its inventory or on its sales volume?

23 A The value of Britt Business Systems would lie in
24 such things as the inventory, accounts receivables, any other
25 assets. Also, the customer base, the full service maintenance